2016 No. 2

WILDLIFE

ENVIRONMENTAL PROTECTION

MARINE MANAGEMENT

The Bideford to Foreland Point Marine Conservation Zone Designation Order 2016

Made - - - -	*12th January 2016*	
Coming into force - -	*29th January 2016*	

The Secretary of State thinks it desirable to make this Order for the purpose of conserving the marine habitats and the species of marine fauna specified in Schedule 2 to this Order.

The Secretary of State has had regard to any obligations under EU or international law that relate to the conservation or improvement of the marine environment in accordance with section 123(5) of the Marine and Coastal Access Act 2009(**a**).

The Secretary of State has—

    (a) published notice of the proposal to make this Order in accordance with section 119(2) and (3) of that Act; and

    (b) consulted persons who are likely to be interested in, or affected by, the making of this Order in accordance with section 119(4) of that Act.

The Secretary of State makes the following Order in exercise of the powers conferred by sections 116(1), 117(1), (2) and (7), 118(1) and (6), and 123(1) of that Act.

Citation and commencement

1. This Order may be cited as the Bideford to Foreland Point Marine Conservation Zone Designation Order 2016 and comes into force on 29th January 2016.

Interpretation

2. In this Order—

(**a**) 2009 c.23. For the definition of "appropriate authority" see sections 116(5) and 147(1).

"co-ordinate" means a co-ordinate on the World Geodetic System 1984(**a**);

"protected feature", in relation to the Zone, has the meaning given by article 4; and

"the Zone" means the area designated by article 3(1) as a marine conservation zone.

Area designated

3.—(1) The area described in paragraph (2) is designated as a marine conservation zone.

(2) The area is the marine area enclosed by the 18 boundary lines which are described in Schedule 1, in each case by reference to—

(a) the co-ordinates of the points joined by the line; and

(b) a topographical description of the line.

(3) In paragraph (2), "marine area", in relation to the area designated, means—

(a) any area of seabed or other land (whether or not covered by water) within that area; and

(b) all of the water covering any part of that seabed or other land.

(4) The Zone may be referred to as "the Bideford to Foreland Point Marine Conservation Zone".

Protected features

4. The protected features of the Zone are specified in Schedule 2.

Conservation objective

5.—(1) The conservation objective of the Zone is that the protected features—

(a) so far as already in favourable condition, remain in such condition; and

(b) so far as not already in favourable condition, be brought into such condition, and remain in such condition.

(2) In paragraph (1), "favourable condition"—

(a) with respect to a habitat within the Zone, means that—

(i) its extent is stable or increasing; and

(ii) its structures and functions, its quality, and the composition of its characteristic biological communities are such as to ensure that it remains in a condition which is healthy and not deteriorating;

(b) with respect to a species of marine fauna within the Zone, means that the quality and quantity of its habitat and the composition of its population in terms of number, age and sex ratio are such as to ensure that the population is maintained in numbers which enable it to thrive.

(3) In paragraph (2)(a)(ii), the reference to the composition of the characteristic biological communities of a habitat includes a reference to the diversity and abundance of species forming part of or inhabiting that habitat.

(4) For the purposes of paragraph (2)(a)(ii), any temporary deterioration in condition is to be disregarded if the habitat is sufficiently healthy and resilient to enable its recovery.

(5) For the purposes of paragraph (2)(b), any temporary reduction of numbers is to be disregarded if the population is sufficiently thriving and resilient to enable its recovery.

(6) For the purpose of determining whether a protected feature is in favourable condition within the meaning of paragraph (2), any alteration to that feature brought about entirely by natural processes is to be disregarded.

(**a**) For the definition of "World Geodetic System 1984" see the National Geospatial-Intelligence Agency Technical Report TR8350.2, "Department of Defense World Geodetic System 1984, Its definition and Relationships With Local Geodetic Systems", Third Edition, 4 July 1997.

SCHEDULE 1   Article 3

Area designated – boundary lines

Boundary line	*Set of co-ordinates of points which boundary line joins*	*Topographical description of boundary line*
1.	A, B	Mean high water line
2.	B, C	Geodesic line
3.	C, D	Geodesic line
4.	D, E	Geodesic line
5.	E, F	Mean high water line
6.	F, G	Geodesic line
7.	G, H	Mean high water line
8.	H, I	Geodesic line
9.	I, J	Geodesic line
10.	J, K	Geodesic line
11.	K, L	Geodesic line
12.	L, M	Geodesic line
13.	M, N	Geodesic line
14.	N, O	Geodesic line
15.	O, P	Geodesic line
16.	P, Q	Geodesic line
17.	Q, R	Line seaward of and parallel to mean high water line at a distance from that line (taking the shortest distance from any given point on that line) of 1 nautical mile
18.	R, A	Geodesic line

where—

"A" is 51° 14′ 45.850″ N and 03° 47′ 12.166″ W;

"B" is 51° 12′ 47.504″ N and 04° 06′ 07.694″ W;

"C" is 51° 12′ 58.795″ N and 04° 06′ 07.505″ W;

"D" is 51° 12′ 58.967″ N and 04° 06′ 46.601″ W;

"E" is 51° 12′ 41.004″ N and 04° 06′ 46.608″ W;

"F" is 51° 04′ 31.519″ N and 04° 12′ 55.392″ W;

"G" is 51° 03′ 54.101″ N and 04° 13′ 09.019″ W;

"H" is 51° 02′ 05.910″ N and 04° 15′ 41.019″ W;

"I" is 51° 02′ 16.871″ N and 04° 15′ 59.940″ W;

"J" is 51° 06′ 48.963″ N and 04° 14′ 39.954″ W;

"K" is 51° 08′ 30.292″ N and 04° 17′ 08.020″ W;

"L" is 51° 09′ 33.796″ N and 04° 15′ 57.921″ W;

"M" is 51° 09′ 29.975″ N and 04° 14′ 00.781″ W;

"N" is 51° 10′ 00.660″ N and 04° 13′ 34.129″ W;

"O" is 51° 10′ 40.595″ N and 04° 13′ 39.184″ W;

"P" is 51° 11′ 16.423″ N and 04° 14′ 25.471″ W;

"Q" is 51° 12′ 15.021″ N and 04° 14′ 23.018″ W; and

"R" is 51° 15′ 49.481″ N and 03° 47′ 14.597″ W.

SCHEDULE 2

Article 4

Protected features

Protected feature	Type of feature
High energy circalittoral rock	Broadscale marine habitat
High energy infralittoral rock	Broadscale marine habitat
High energy intertidal rock	Broadscale marine habitat
Intertidal coarse sediment	Broadscale marine habitat
Intertidal mixed sediments	Broadscale marine habitat
Intertidal sand and muddy sand	Broadscale marine habitat
Low energy infralittoral rock	Broadscale marine habitat
Low energy intertidal rock	Broadscale marine habitat
Moderate energy circalittoral rock	Broadscale marine habitat
Moderate energy infralittoral rock	Broadscale marine habitat
Moderate energy intertidal rock	Broadscale marine habitat
Subtidal coarse sediment	Broadscale marine habitat
Subtidal mixed sediments	Broadscale marine habitat
Subtidal sand	Broadscale marine habitat
Fragile sponge and anthozoan communities on subtidal rocky habitats	Marine habitat
Honeycomb worm (*Sabellaria alveolata*) reefs	Marine habitat
Intertidal underboulder communities	Marine habitat
Littoral chalk communities	Marine habitat
Pink sea-fan (*Eunicella verrucosa*)	Species of marine fauna
Spiny lobster (*Palinurus elephas*)	Species of marine fauna

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates an area as a marine conservation zone (which may be referred to as "the Bideford to Foreland Point Marine Conservation Zone"). The area designated is defined in article 3 and Schedule 1. The protected features of that Zone are specified by article 4 and in Schedule 2. The conservation objective of that Zone is set out in article 5.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Marine Protected Areas team at the Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London SW1P 3JR and at https://www.gov.uk/government/consultations/marine-conservation-zones-second-tranche-of-designations.